Applicant: Percival   Att'y Docket: 1348/111

App. No.:   10/709,040   Art Unit: 2188

Filing Date: April 8, 2004   Examiner: M. Namazi

For: **Method and System for Coherently Caching I/O Devices Across a Network**

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DECLARATION OF ERIC DICKMAN

I, Eric Dickman, hereby declare and state that:

(1)   I am the Chief Executive Officer of SuperSpeed Software, Inc. ("SuperSpeed"), the assignee of the above-identified patent application.

(2)   In May 1992, SuperSpeed Software, Inc. (then known as EEC Systems, Inc.) released a product called SuperCache for use on stand-alone computers. A discussion of the history of SuperCache is disclosed in my declaration of January 30, 1996 in U.S. Patent Application Serial No. 08/238,815 (now issued U.S. Patent No. 5,577,226). (Attached as Exhibit 1).

(3)   Following the release of SuperCache for use on stand-alone computers, development continued on the SuperCache program for use on a network of computers.

(4)   Test installations of SuperCache were made at EDS Personal Communications ("EDS"), Digital Equipment Corporation (Boxborough, MA) ("DEC"), and Nemonix, Inc. (Hopkington, MA).

(5)   EDS had four VAX 6000 systems in a cluster with two VAX 6620 computers, and another cluster with two VAX 4500 computers. As stated in my declaration of January 30, 1996, EDS tested SuperCache on its clusters after hours starting in January 1993. (See Exhibit 1, ¶¶ 11-17).

(6)   In January 1993, a copy of SuperCache was also sent to Nexcom Limited in the UK for testing. Before Nexcom could begin testing, it was determined by the U.S. testers that the SuperCache cluster product had major bugs which needed to be corrected. Because of those major bugs, Nexcom was instructed not to install SuperCache on any production clusters.

(7)   DEC had the latest VAX and Alpha machines, on which we wanted to test SuperCache. DEC had VAX 7000 machines running the OpenVMS V6.0 field test operating system, as well as DEC 7000 (Alpha) machines running field test OpenVMS V1.5 in a test cluster environment. In late March or early April 1993, SuperCache was installed on the cluster at DEC for testing. Unbeknownst to me at the time, DEC decided to publish an article mentioning SuperCache in the April issue of DEC Professional Magazine. (Relevant pages attached as Exhibit 2). With respect to the features of SuperCache the article published by DEC mentioned only that "disk caching products as EEC Systems' SuperCache can be effective at using the 64-bit real and virtual memory spaces for caching disk data, further reducing external I/O requirements and extracting higher performance from your AXP server." The article neither discussed nor enabled any of the specific features of SuperCache. At the time the article was published OpenVMS V6.0 for VAXes and OpenVMS V1.5 for Alphas were in field test, and not available to the public. They were released to the public by DEC in June 1993.

(8)   Nemonix also had an Alpha machine in a cluster with several VAX systems on which we wanted to test SuperCache. The systems at Nemonix were running field test releases of OpenVMS V6.0 and OpenVMS V1.5 for Alphas. A copy of SuperCache was installed at Nemonix on its systems for the purpose of testing SuperCache's performance on new Alpha clusters. Nemonix reported a problem with caching of SCSI disks. That bug was fixed in SuperCache version 1.2-11 released April 1, 1993.

(9)   EDS, DEC, Nemonix, and Nexcom did not have access to the SuperCache source code.

(10)   Neither EDS, DEC, Nemonix, nor Nexcom were charged for their test versions of SuperCache.

(11)   I hereby declare that all statements made herein from my own knowledge are true; that all statements made on information and belief statements are believed to be true; that these statements are made with knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code and the laws of the United States; and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

11/5/04
_____   _____
Date   Eric Dickman